



**TENNESSEE HUMAN RIGHTS COMMISSION**  
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**March 28, 2008**  
**Board of Commissioner's**  
**Meeting Minutes**

**Commissioner's Present:**

Commissioner Blalock  
Commissioner Cocke  
Commissioner Davis  
Commissioner Garrett  
Commissioner Hakeem  
Commissioner Miller  
Commissioner Osborne  
Commissioner Pierce  
Commissioner Smith (Phone)  
Commissioner Starling  
Commissioner Walker  
Chairman Wiggins  
Commissioner Wurzburg

**Commissioner's Absent:**

Commissioner Jones  
Commissioner Pride

**Staff Present:**

Beverly Watts, Executive Director  
Shay Rose, General Counsel  
Robert Bright, Housing Director  
Esperanza Soriano, Communications Director  
Lisa Lancaster, Executive Director's Assistant

**Guests:**

Kaleda Bentley-THRC  
Diana Gardner-THRC  
Kelly Sheeman-THRC  
Kimyona Parker Hix-THRC

**Call to Order & Invocation**

Chairman Wiggins called the meeting to order at 9:02 a.m. CDT. Commissioner Hakeem offered the invocation. Roll call was taken.

**Approval of Minutes**

The minutes of the January 18, 2008 telephonic board meeting were reviewed. Commissioner Hakeem made a motion to accept the minutes. Commissioner Osborne seconded the motion. A vote was taken and passed. Chairman Wiggins took a moment to introduce and welcome new Commissioner's Ruby Miller and Jocelyn Wurzburg to the Commission.

### **Executive Director's Report**

Executive Director Beverly Watts updated the commission on the Budget hearings she has attended with the Senate Finance Ways and Means Committee and the House State and Local Committees in February. It was noted that no increase in the budget has been requested and that \$30,000 will be reverted back to the state. The Senate Questions document that THRC submitted to the committees was provided and reviewed with the commission members. On question number 5 which addressed the Audit findings they wanted to know what we had done about them. The House asked more questions about the audit than did the Senate. "We got a good reception at the Senate Hearing and during that we talked about what we believe our role is and that is prevention and eradication. What we said is that while we have sufficient staff given our current caseload was that the whole notion of outreach and education was one in which we have limited resources. The Senate chair, on the record said we should come back and ask for money next year."

"On the House side, they spent more time on the audit issues and there were two other agencies before us, so I was prepared by the time I got there. I talked about the types of things we're doing based on what was found in the last audit and some additional things that we are doing in the agency to make sure we do not have audit findings in the future."

"A number of individuals asked us about staffing, asked us about comparison to other state agency's surrounding us, so I talked about Kentucky, because I knew more about Kentucky, what they had and what their caseloads looked like. Off the record House members said we should ask for more money next year but it was off the record. So it was sort of an interesting piece in that while they asked more questions about staffing and we were able to put more information on the record, they did not go on the record to say ask for more money. Given revenue issues, what we are able to ask for is going to be dictated before we go before committee. As we look at what we can expect to receive next year in terms of federal funds, we do not expect to receive many more funds than we are currently getting and that is 25% of this budget."

Commissioner Cocke asked, "Doesn't the outreach component have to dovetail with your budget? In other words, if you're going to do outreach, the whole idea is you're going to get more cases, you're going to get more involvement, and you're going to have more to do?" Director Watts answered, "yes and No. Outreach is not just to those who file complaints. My position is, if I am here, my job is to do three things. It is to make sure we respond to citizen's who have complaints, and the other is to help employers, housing providers, etc. Otherwise we are in the same environment and it is just a cycle coming through. We are getting the same thing because outreach sometimes will generate cases sometimes it won't. And that has been my experience over the years. However, outreach will, we hope, prevent the occurrence of discrimination which is something we need to do as well. When we talk with employers and others, what they find out is that they spend a lot of money on lawyers and on other issues and that discrimination complaints on an average still cost thousands of dollars for employers to respond to. And therein lies their dilemma. And that is usually how I talk to employers about why it is wise to not discriminate or put in place systems so if you have to respond to us your cost and liability is limited. I spoke to Waller Lansden and some of their clients, last week about complaints we are receiving at THRC. And most of them want to know how they can prevent issues. So that is a form of outreach as well. It takes on a variety of differences and so we are going to try to figure out how we can do as much as possible. We have got ads on the radio and some other things. I am a

believer that this is a person to person kind of a process. People will not file a complaint because they hear ads. Either they know they can but sometimes they won't or they file a complaint and it is not something we can deal with which frustrates them even more."

"If you have any additional questions let me know. This is the document. It along with budget is public so we wanted to share that with you. Communications has a report that will talk about a lot of the outreach speaking events and engagements. I am not going to go through any of those. I have done 10 or 12 of those. We have been out and about speaking, meeting, hearing people and hearing issues."

"The executive staff and I met on March 14<sup>th</sup> and started strategic planning. I have something from flipcharts that I am going to share with you and then some information that we want to get from you as well. Chairman Wiggins noted that he always likes to hear when people are planning on a strategic basis because what that tells me is that we are not just sitting around resting on our laurels. Not sitting around waiting for something to happen. It tells me that we know that we have to be ready and strategic planning is something that has been around here from a human resources standpoint."

Director Watts said "what we have started here is something that I think is absolutely necessary. What is our mission? Who are we? And what do people think about us? Because we can't change or we can't make any kinds of impact unless we know that. So what you have here is an exercise that we went through on the 14<sup>th</sup> (and that's myself and executive staff) and the underlying pieces that come from the charts just to let you know where we are, what we were thinking and if you go over you will find something that has blank spaces in it. What we would like is input from you. THRC I believe is like a three legged stool. We are a part of it, staff, and you are a part of it. So, this is our attempt to get your input on this. The staff retreat is tentatively scheduled for May. We will also go into this process."

"It is my hope that we will have a plan of at least 5 years sometime between now and the end of July. Working forward we will have somewhere we want to be over the next five years. So we are working toward that and that will be after input and we will have some more sessions, some more feed back from you as we start developing things. So it will be that kind of a process. We would like to have you, if you have time today to do this. If you would like us to send it to you electronically, we can. If you can do it today we would love to have it. If you will put your name on the bottom (but if you don't want to that is fine) I just want to make sure we get the input so that we are not bothering you if you have not. Just to tell us something. Who do you think we are? Who our stakeholders are? and define them. Maybe you have some differences. And maybe it is something that we did not think of that we need to know. We need to get as many different inputs as possible."

Chairman Wiggins said, "I think that this is important because we all need to get a self assessment of ourselves. I try to do that at least two to three times a year for myself personally. I find out that there are some things I need to improve upon, there are some things I am please with and I surprise myself sometimes because I find I have done some things and I say to myself, I did that? I did all of that? So I think we all need to have a sense of self assessment. I always tell people; individually we are the CEO of ourselves. I call it CEO of self."

Director Watts noted that the document will be sent to all commissioners electronically so that if you don't have time today and then you can just send it back to us because it will be attached in a WORD document.

Director Watts reported that the Sunset Hearing has not been scheduled. It was originally set for February and got cancelled at the last minute. The auditors were still working on the lottery issues and they have been before committee twice. That means that they may be finishing our report. Senator Harper is chairing the committee that will hear sunset and she wants everyone to have at least 14 days to review the report and we have no final report in hand. I did talk to the staff person there and she said that as soon as he knew he would let us know. The session is over the middle of May. There is a bill if we do not have a sunset hearing to extend anyone who did not have sunset hearing until next year until June of 2009. We are in wind down and we are set to expire at the end of June. We will have two weeks notice and as soon as we get notice we will send it out to you. It usually comes by email. Commissioner Starling questioned if we don't do it before session is over we will do it this summer? Director Watts noted if a hearing is held this summer no action could be taken until next session. It would be a recommendation. Right now we are waiting to see what happens. Two weeks notice is what we are told we will get and a notice will go out usually on a Friday. It will probably be a Monday afternoon hearing and if commissioners would like to come we would love to have you there.

Commissioner Cocke wanted to know if there are any particular legislators that are problematic? Director Watts noted that "when notice is received, we will send out an overview. There are a few that we know that have raised some issues with the agency in the past and we think that they will continue to raise issues and we will give you a list. I know that one of them had to do with Indian Affairs Commission and some others that were upset about that. The Indian Affairs Commission is set to terminate at some point and I think that was the recommendation." Commissioner Cocke asked if we would be assuming those responsibilities.

Director Watts noted that there was a bill amendment for THRC to take over the Title VI function. Director Watts made an assumption that "A. There was a current body in that position that has retired so in our financial statement, we noted that we thought that that money which is about \$100,000 would be transferred over which would cover only the position and benefits. We however put in that we needed two additional positions, because at some point, the Title VI program is a much larger program than what we have been looking at and it is an ongoing compliance program. Which means that somebody needs to do study's and we need to have a database so that we can manipulate data into reports and we don't have that right now. It could be web based so that we could limit the numbers of agencies that could input in and then we could manipulate the data on this end. However, I have had a couple of conversations and was told that if there is money attached to it, that won't come and I am not going to be disappointed if the money is not there and it doesn't come. My sense is that we need resources and our success is dependant on us having the appropriate resources and the appropriate kinds of staffing to do what we need to do. And my assessment is that we are doing okay, but we could do much better if we had resources aligned more appropriately. And doesn't mean more people but aligned more appropriately. That is what we are doing in our strategic planning and we will be talking about that more in the next year. As people look at us and talk about taking over functions, I am always going to ask for the resources. That doesn't always

mean people, it could mean some additional to perhaps do database and some other things. I understand that it is going to state and local on April 1<sup>st</sup>, so we will wait and see what happens.”

Commissioner Hakeem said, “I think it would be accurate to say that Title VI is perceived as anti-business and would we be taking on a perception of being anti-business and how do we counter that?” Director Watts noted that “Title VI is not anti-business; Title VI is a federal financial assistance piece which says that if you get federal financial assistance such as food stamps, school lunch, etc. you have to not discriminate.” Commissioner Hakeem noted, if you are building a structure downtown and you are getting federal money that it impacts you also. Director Watts noted that road money is the biggest building piece of that. Commissioner Hakeem noted that his understanding was that if there was a federal dollar that goes into it, then all the rules apply. In Chattanooga it is not perceived as positive. We don’t want to be perceived as anti-business and how do we prevent that from happening.”

Director Watts said “depending on who is receiving the federal financial assistance will depend on what has to happen and what is involved. Some of it involves advisory committees to make sure they are diverse and to make sure they get diverse input. Buildings downtown are really rare under Title VI. The biggest amount of dollars in Title VI is road building dollars that build something. With public works issues when you build a building, sidewalks have to be built. A sidewalk is part of the building even though it is a city mandated piece. Most cities have rules that apply that are different. Under the road building money, there is already a DBE program set up Title VI which mandates what has to happen.

Commissioner Wurzburg noted “the history of this was very interesting. Years ago the United States Civil Rights Commission had state advisory committees (SAC’s) and when I was chair of the SAC we had a legislator, Henri Brooks, who came to the SAC and said nobody has ever heard of Title VI, and we went across the state explaining to government entities and city commissions what Title VI was. There was no compliance officer and they had never heard of Title VI but it became extremely useful when the sewage project stopped at the black community, when lights for the parks that the black kids used was not approved and it had an immediate impact. Am I hearing now that rather than the compliance overview that there is a lot of citizen’s offering complaints about Title VI and that this Commission might do it?”

Commissioner Starling noted that there is a piece of legislation being introduced by Rep. Hardaway and Senator Tate to have the Governor appoint a cabinet position for Title VI. Director Watts noted that the bill has been amended. Commissioner Starling noted that “there are a lot of eyes on Title VI legislation and a lot of discussion both pro and con and it can get confusing. There are a lot of arms to it but there are a lot of eyes watching Title VI.” Director Watts noted that “Title VI is the most money that comes from the federal government to state and local and it is a big piece of money. Agencies are responsible for the actions such as training, implementation, developing a plan and reporting on their actions. They must also have to have a complaint system, public notification, and advisory committees that are diverse. It is a lot of money and people get nervous when people start asking about it. It is by far the biggest piece of money from social services and there is

very little you can do on the social service side. Schools, social services and food are the biggest piece of federal financial assistance.”

“A lot of the impact was state and local government but now there is a push to move past state and local government and that may be where you are getting the anti-business piece because there is a lot of money going into the communities that are building buildings so a lot of people are looking for tools to see how the minority community can prosper economically from federal dollars that come into communities. That is the simple way of it being put.” Commissioner Hakeem said “it was more with the manner in which it was presented. It was not, “Let’s sit down and work this out”, but more like we are going to beat somebody over the head and that has not worked very well.”

Director Watts noted if we got Title VI that our posture would be education and doing whatever we needed to. “That has been the posture of the state all along. I am not sure who was doing it or why, but we just need to talk and see what is going on. We were in a training last week with the U.S. Department of Justice who were training some of the coordinators with the state. Some of it was necessary and some of it was repetitive. It would be a matter of discerning what needs to be done and developing a plan. There are coordinators in every state agency, so my sense is, how can you leverage those resources should we get it, to make sure that we are not overwhelmed, that they are doing what they need to do and then we do what we need to do. There may be an advisory committee as a result. It is not clear how this body would function.”

“Under our statute, this body has the authority to appoint advisory committees anyway, to study any subject, so I am not sure how that would relate. I need to talk with Rep. Hardaway on Monday. We do not want to say no but I do not want to take on this kind of program if we do not have the resources and plan to implement it and run it successfully.”

Chairman Wiggins requested that Director Watts provide some talking points to the Commissioner’s if this should come up for discussion. Discussion points will be emailed to all Commissioners.

Commissioner Wurzburg noted that the “SAC’s position was that we were going to help keep you out of trouble with the feds because if they discovered that you were spending the money discriminatorily they will yank it from you. So here we are coming along as your friend to help you get in compliance.”

Director Watts welcomed Deputy Director Tiffany Baker Cox back from maternity leave. She noted that we have a move coming up. “We have space identified on the first floor of the Andrew Johnson Building which is located at the corner of James Robertson Parkway and Rosa Parks Blvd. We have walked through the space and we have two staffers over there today looking at phone layout and lines for computers. We have a little more space, we are all on one floor, it’s an open space, a number of us have hard walled offices but it is pretty much an open space cubicle design. It is our hope that our next meeting in May will be held there even if we are not in the space. There is a huge conference room that Labor has on the first floor and we are trying to hold the next commission meeting there so that you can walk through the space and see it. Tiffany is handling those issues, ordering furniture. Once they order the furniture for us, it will be six weeks from that date that is our projected move date around May 30, based on our preliminary discussions at this point.

The state parking lot is right across the street and parking is available behind the building and we will have eight to ten spots. Behind us is the Farmer's Market for those who are familiar with the Rosa Parks Old Eighth Avenue corridor and another parking lot on the other side of the Bicentennial Mall. We will keep you updated as we have new information."

"We are going to start a little campaign via email. You will start receiving emails with little people running across your screen. We will all be in one space on one floor." Chairman Wiggins noted "it was a long time coming and patience is a virtue." "Hopefully when you come to walk through the space (Labor had been in there a long time and they are supposed to be doing a lot of cleaning and some other things) you will see that it is good space and all the executive staff has looked at it and the rest of the staff will walk thru sometime in April."

Commissioner Cocke made a motion to accept the Executive Director's report. Commissioner Garrett seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Tiffany Baker Cox reported the employment information covers the period from November 20, 2007 until March the 11, 2008. 178 charges received during the period. 149 cases closed with an average case age of 261 days. We have received 4 settlements with \$9,143 received from those settlements. If you compare the numbers, you can tell that we are down in the number of charges received although not significantly but we have received 17 less charges during this period. We are working on outreach efforts currently to increase those numbers. We have sufficient inventory to work on. Of the cases we closed during the period, 134 were dual filed which means that they were filled with us and EEOC. The top three basis for the complaints that were filed were Title VII, which covers race color national origin, gender and religion; next would be ADA which is disability; and then age. Title VII is always the number one basis for complaints.

"Aged processing is up and that is because we have had several staff members leave. When that happens we have to train new staff to come in and there is a two to three month period when they are training and getting up to speed and that increase the age of our cases. That increases the case load of our current and trained investigators have and that explains the difference in the case processing age and I anticipate in the next six to nine months that will go down."

"With the settlements we are also down on those as well due to the fact that our mediation program has not been up and running. In February the chair and 5 other staff attended mediation training and we anticipate that by July we will have the mediation program up and running. Right now what we are doing is getting those five mediators in to observe and co-mediate mediations so that they are not just thrown into the program." Chairman Wiggins offered that he attended the mediation training for five days from 8:30 in the morning until 6:00 in the evening and it was intense. "They worked us hard. No one got a free pass. There were assignments, there was roleplay and you got graded and critiqued. I had to leave my ego at the door as well as my title and I was glad to see that. It was very much worthwhile and I was glad I went through it."

“On the second page we have a year to date comparison for FY 2007 to FY 2008. They are similar to the numbers on the first page we are down in the charges we have received however in the number of cases closed we are at the same rate. Case processing is up, settlements are down and the benefits are down. Our contract with EEOC runs on the federal Fiscal year which is from October 1 to September 30 and the numbers indicated are for this period.”

“One of our goals for the upcoming year is to get our case processing age down which should happen as our new investigators come up to speed. Second goal is to get the mediation program up and running by July and the third goal is to ensure that investigators receive appropriate training.”

New staff members Dianna Gardner, legal assistant in the Intake unit and Kaleda Bentley, employment investigator were introduced.

Chairman Wiggins noted that there were cases over 180 days old and asked how many cases we have in that category. Deputy Cox did not have an exact number but estimated that about half of each investigators inventory or 30 cases would fall into that category. Chairman Wiggins noted that the company he works for has an employment discrimination case in Pennsylvania that is 3 years old.

Commissioner Hakeem made a motion to accept the employment report and Commissioner Walker seconded the motion. A vote was taken and passed.

### **Housing Case Report**

Chairman Wiggins reported that he made a surprise visit to the Knoxville office last week and found everything in order. Housing Director, Robert Bright reported on the period January 9, 2008 to March 11, 2008 and noted that 20 new complaints had been received with 6 cases closed and 2 settlements.

National Fair Housing Training Academy attendance is ongoing for housing investigators who have not completed the five week course. The housing division is on track to meet the goal of 125 cases closed by June 30, 2008. We have 53 cases in inventory. We are receiving more cases due to HUD allowing THRC to investigate cases where federal funds are involved. We have closed 60 cases to date and have another 20 in review with legal.

Commissioner Osborne made a motion to accept the housing report and Commissioner Cocke seconded the motion. A vote was taken and passed.

### **Legal Report**

Shay Rose, General Counsel, reported that legal has reviewed 37 employment cases. 2 were corrections, 18 were no cause cases, 1 was caused and 15 were administrative closures. In housing 5 cases were reviewed. 2 were conciliations, 1 was no cause, 1 was a withdrawal and 1 was a correction. There are 16 companion cases still in review should be completed by next week.



Ms. Rose reported that the Assistant Counsel position has been filled in March by Kelly Sheeman who she introduced to the commission. Kelly noted that she is from California and did her undergraduate degree in theater at the University of Texas and moved to New York to work in theater. She then attended Brooklyn Law School and moved to Tennessee in May and took the bar. The board welcomed her.

The Employment Law Seminar is scheduled for June 17<sup>th</sup> and will be held at Scarritt-Bennett center near Vanderbilt. We hope to have the agenda completed in the next week and the brochures will go out soon. The planning is about 75% complete.

The cause case update is mostly cases that have been reported on previously. The first case is a public accommodation case based on national origin because the complainant is Hispanic. We hope to schedule mediation in April on this case. The next case is a pregnancy case where an employee was discharged because of her pregnancy. The employer was worried about her health and they asked her stop working. This case has been set for mediation next month and Deputy Cox is mediating this case.

We have a new cause case. A 70 year old sewing machine operator was asked to retire because the employer was worried about her age and health. They indicated that she had slipped a couple of times while at work which worried them but said she had been a good worker. It was indicated that other workers had slipped too because they had installed a new floor.

We have another case in the works that will probably be caused in the next week. It is a sexual harassment case out of Knoxville. A sports bar created a hostile work environment for workers.

The housing cases include the first two where families with children were treated differently. Holding them to different standards and policies, not letting their children have free use of the area. We are currently working on working this case out.

The zoning cases hopefully will be resolved within the next few weeks. We will probably have to enter into an agreement with the respondent because the complainants were only there for a short time and have moved on and we cannot locate them. We are hoping to get the respondents some training and settle the case. An agreement was reached in the federal case that was involved with this case.

The familial status case is the landlord did not want to rent to them because they had children because of farm equipment and a pond on the property and they feared for the safety of the children. We are in hopes that this case will settle as well.

It is our hope that with the Deputy back and the Associate Counsel on board that we can get these cases settled, resolved or docketed by June if possible.

Commissioner Starling noted that the same cases keep coming back over and over again and then the legislators pass legislation that creates some of this stuff. "Is it possible that this commission could go and talk to some of these committees sometime when they are going through these bills prior to the introduction of these bills? What is going on at the legislature is that we have got a lot of bills that look as if they are being discriminatory

toward Hispanics/illegal immigrants. We have got a lot of these bills that are waiting on the attorney generals opinion but they are removing those bills anyway. It is just creating these kinds of things. People are watching what is going on in the news and they think they can discriminate because these bills are going through. And they haven't even gone through and they are taking that position. So, is it possible that we at THRC could talk to state government and whatever committees these bills go through because it just doesn't make much sense. We keep running into the same thing over and over."

Director Watts said that she intends to talk to staffers and elected officials once we can identify what is out there and what goes through. "One of the English in the workplace bills died due to the lack of a second. That bill paralleled the Federal Title VII and we were not that concerned about that piece of legislation. It is other legislation over which we may not have jurisdiction that is going through. There are 25 to 30 bills that deal with immigration issues, and then the 287G program which creates this environment. The question is can we do things about it? My sense is that some of it is us and we can talk with staff and elected representatives and find those who are willing to step out."

"It is a treacherous path. As I have said in speeches, it reminds me of 1957 living in this town as a young child and hearing things said that I didn't think I would hear again. They say the same things that I heard and my mother and father heard when I was coming up. They say things that are the same kind of things and they think it is fine because people are illegal and we need to get rid of them. We are looking for a forum to talk with people across the state, who work with immigrants and are willing to speak out, which is the only way things are going to change. I am afraid it will get worse before it gets better."

Commissioner Starling said "It is all so mean-spirited. We have legislation out there that is dealing with illegal immigrants where they can confiscate your wages and they are going forward with these types of bills". Director Watts noted that "there is a bill that goes against employers at the state level throughout the country and there is a federal parallel bill that deals with that. The immigration bill failed last June and that was probably the worst thing that could happen is the failure of the federal immigration bill. It was not the best bill but at least it had some issues and direction and guidance that would have come down. Nobody has reintroduced that bill so everybody is doing their own thing. All 50 states have different issues that they are discussing. We are looking to see what we can do but I do not expect that the sessions will get any better over the next two years."

Chairman Wiggins noted that he was always available to assist by attendance at any function attended by staff and others. Director Watts noted that "New America is on the hill today and we have staff attending that function and working with immigrant communities, networking and helping to figure out who is out there and who is opposing and who is not so that we can be more informed and help the board be more informed as well."

Commission Cocke noted that "alot of these bills are posture. They know they can't pass. They know that people will get around them or the government will veto them. Is there a way to distinguish between those which are just posturing and those that are really serious efforts that need serious attention?" Director Watts noted that "some of the bills parallel federal law and therein lies the dilemma." Commissioner Osborne noted that "in some parts of East Tennessee none of them are considered posturing." Director Watts noted that "the 287G program that is law enforcement issues is where local law enforcement is given the power and authority to go in and arrest criminals and is being used in a manner that

says you look Hispanic, I stop you, I find something in your car that should not be there, therefore I arrest you and it does not have to do with anything other than the suspicion issue that allows officers to stop. Shelbyville contends that individuals left in the night between December 07 and February 08 in great numbers. Employers now do not have employees to work because of the raids and that people that are in that community, go in at sundown and do not come back out until sunrise and some of these folks are citizens.”

Chairman Wiggins asked Shay Rose a question about the first cause case based on people being denied bonding services because of their national origin. “In talking to the bonding service, what did they say? Did they admit to this?” Ms. Rose responded that “they did not admit to it, but they had the policy in writing which they provided to their answering service. And since they were not connected to the bonding service, they became witnesses and they provided the written policy to THRC. They were trying to say that the bonding agent was out of town and did not know about it but the answering service just thought about it and said that they don’t bond out Hispanics. This was later changed to Mexicans. They have been very sorry about it and have changed their policy and conducted training to bonding associations statewide.”

General Counsel Rose noted that “some of the bills that go before the legislature are legally okay. It’s just the enforcement of them. A good example is the English in the workplace bill that was trying to say that employers could have English only in the workplace policies under certain circumstances. While it was technically fine under EEOC regulations, if it had gotten passed and was enforced, then we would have had a lot of cases based on how it was actually enforced.”

Commissioner Starling asked about the bill that was about speaking only English in the workplace while you are at work. “Is that enforceable?” General Counsel said “it was enforceable but only during work, not while at lunch or on break. The way they wrote it, it was legal.” Director Watts noted that “as long as its business necessity was defined which says that it has to be for safety and or other reasonable issues as defined by EEOC under Title VII which was issued 3 or 4 years ago. The problem is that in the workplace employers decide to tell employees that can speak not other language except English at any time and there is no safety issue, there is where the problem comes in enforcement. This bill was not being pushed by employers, it was being pushed by other interests in the community and other people who were concerned.”

Commissioner Osborne made a motion to accept the legal report and Commissioner Blalock seconded the motion. A vote was taken and passed.

### **Outreach and Education**

Esperanza Soriano, Communications Director, reported the period covering January 11, 2008 through March 14, 2008 during which THRC participated in over 16 events which resulted in exposure to over 6,000 people. Some of the events included celebrations of Martin Luther King Jr.’s birthday in four major cities, Knoxville, Nashville, Chattanooga and Memphis. Director Watts attended the ceremony at the National Civil Rights Museum and Kimyona Parker-Hix distributed THRC literature at the event.

Staff also attended the Urban League luncheon in Nashville with approximately 500 were in attendance. Other events were a Day on the Hill where grassroots organizations were able to speak with the legislators. The Tennessee Immigration for Refugee Rights, the NAACP and the ARC disability group were among the attendees who were able to discuss with legislators their concerns in the community. Robert Bright, Housing Director spoke to a Chattanooga Apartment Association about Fair Housing.

"I spoke with the folks who invited Robert to speak for inquire as to how they learned about our agency. They called another state agency which referred them to us. When I receive call of this nature I try to track down what kind of advertising they heard about us on in an effort to determine what advertising is working and what is not. We have entered into a 5 year contract with Clear Channel Radio with annual renewal options. We have developed and recorded some Spanish radio spots with Frank Guzman which is part of the radio push that Director Watts mentioned earlier where her ad, the Chairman's ad and the Spanish ad are all running now in Knoxville, Nashville, Chattanooga and Memphis. We also have some urban stations included. We have placed a picture gallery on our Website that showcases some of the events that we attend."

"We have responded to 38 calls on our 800 Spanish call in line. These calls go directly to Frank Guzman who explains what we do and assists callers with information about filing employment, public accommodation and Housing complaints. If callers have been directed to our agency in error, Mr. Guzman will attempt to direct them to the proper person who can help them."

Kimyona Parker-Hix attended Rule 31 Mediation training to maintain her mediator status. There are several upcoming events that commissioner's were invited to which include the Fair Housing Matters Conference on April 3, 2008 at the Franklin Marriott. We expect about 150 participants to attend.

Director Watts will speak about immigration issues at Belmont University on April 2. April 4-6 Director Watts and Kimyona Parker-Hix will attend the 40<sup>th</sup> Anniversary of the Assassination of Martin Luther King Jr. in Memphis hosted by the National Action Network. We have an event planned in West Tennessee which involves Commissioner Pride and Commissioner Blalock and we will participate in a joint event with EEOC in Clarksville. Information about these upcoming events will appear on our website.

Ms. Soriano thanked Frank Guzman and Kimyona Parker-Hix and the THRC staff who have assisted her during her extended absence over the last months.

Chairman Wiggins noted that he spoke with Ernie Allen recently and "he is anxious to have myself and Director Watts on his Sunday morning show again soon."

Commissioner Hakeem noted that it was apparent that in instances of an audience of 500 or 20 that it is important to be out there making that impact on as many as possible no matter the size of the groups. Commissioner Osborne commended the staff and noted that this is the kind of participation that he expected from this director and the staff for not only being out there educating folks but also for keeping the board informed as to what was happening.

Director Watts noted that invitations will be forthcoming when events are happening in your area. She also thanked Commissioner Hakeem for attending the Power of One Luncheon in Chattanooga next week on behalf of the commission as she has a conflict and cannot be present at the function. The Chattanooga THRC staff will also attend and sit at the table we have sponsored.

Commissioner Osborne made a motion to accept the Communications report. Commissioner Pierce seconded the motion. A vote was taken and passed.

Chairman Wiggins asked each of the new commissioners to introduce themselves to the board members.

Commissioner Miller noted that she is a Spartanburg, South Carolina native even though she has lived in Tennessee longer than she has lived anywhere else. She left Spartanburg when she was 18 and went to college. She worked for Union Carbide and Martin Marrietta. She was recruited during the 60's by Union Carbide to work at Oak Ridge at the nuclear facility to count double because she was both a minority and female. She worked there for 20 years and then went out on her own to open a State Farm Insurance business which she has run for 18 years. She has three children and a husband who came before the children and six grandchildren. She is happy to be a part of this organization.

Commissioner Wurzburg noted that she served on the commission from 1972 to 1977. She was appointed by Gov. Winfield Dunn. She asked what the commission did and they explained that they meet with employers around the state and try to persuade them not to discriminate. She was told that there were 11 states that did not have an enforceable law. She noted that we need a law and Mr. Cornelius Jones asked her to write one so she wrote the Tennessee Human Rights Act of 1972. "The 11 states that did not have a law looked like the South East football conference. It became very important that the Tennessee law be a good one because they were afraid that all the other southern states would follow what it did. So we had great help with Clarence Mitchell of the NAACP Washington bureau helped; Bill Robinson of the Lawyers committee against discrimination; William H. Brown III from Philadelphia. It became an incredibly fascinating process."

"After nine months of drafts it was sent to the legislative council where every instance of discriminatory practice was changed to unlawful practice. We told them that we did not want it to be unlawful, we wanted it to be discriminatory practice so that we could do ALJ hearings. Senator Avon Williams reviewed the bill and sent a letter to the lawyers committee asking that they review the bill. It took seven years for it to pass the legislature."

After this experience she went to law school and became a divorce lawyer. In 1984 she started mediation in Memphis. She mediates for EEOC and the postal service and does ADA claims for the Department of Justice. "This commission is a 180 degree difference sitting here with people committed. There were commissioners back then who did not want a law and did not want enforceable powers. We were fighting our own commission. It is a great pleasure to be here and I am delighted to be here."

Chairman Wiggins reported to the commission that last week he attended the TSU Women of Legend and Merit Awards dinner where Commissioner Pierce was honored. Congratulations to her. Commissioner Pierce thanked the Chair for his support.

“All commissioners have been given a THRC button and T-shirt. Please wear them and refer citizens to the commission. Thank you sharing 2 hours of your 168 hours per week with this commission.”

With no further business to address, Chairman Wiggins adjourned the meeting at 10:35 a.m.